

## **REMARKS**

### Status of the Claims

Claims 1-23 are currently pending. Claims 14-18 are canceled without prejudice or disclaimer of the subject matter claimed therein. Claims 1-13 are withdrawn from examination as being directed to a separate invention. Claims 19-23 are under examination.

### Amendments to the Claims

Claims 19-23 have been amended. Representative support for the amendment to claims 19-23 can be found in claims 1, and 19-23 as originally filed. Applicants respectfully submit that no new matter has been added by the amendments.

### Response to Restriction Requirement

In response to the Restriction/Election requirement mailed February 26, 2009, Applicants respectfully elect, with traverse, to prosecute Group V (claims 19-23) drawn to a method of using a first product as a composition with a bacterial strain. Applicant respectfully requests reconsideration of the Restriction/Election Requirement in view of the remarks set forth below.

The Office Action alleges that the present invention is not entitled to unity of invention under PCT 13.1 as the inventions listed in the Office Action share a technical feature already disclosed in the art by Kimura, et al. (US 6,596,530). Applicants do not agree with this assertion and reserve the right to present evidence to the contrary if the reference is cited in a rejection over any of the claims.

### Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: **March 26, 2009**  
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Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

/Sally Teng/

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